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8 Attorney for Defendants ANDRADE LUZ  
9 BEATRICE and ARMANDO ROBLES  
10 CORONEL, individuals dba TAQUERIA  
11 EL CORONEL

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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 CRAIG YATES, an individual; and )  
16 DISABILITY RIGHTS, ENFORCEMENT, )  
17 EDUCATION, SERVICES:HELPING )  
18 YOU HELP OTHERS, a California public )  
19 benefit corporation,

20 Plaintiffs,

21 vs.

22 WINTER PROPERTIES, a general )  
23 California partnership; ANDRADE LUZ )  
24 BEATRICE and ARMANDO ROBLES )  
25 CORONEL, individuals dba TAQUERIA )  
EL CORONEL

26 ,

27 Defendants.

28 ) **No. C-07-2657 JL**

) ANSWER OF DEFENDANTS  
ANDRADE LUZ BEATRICE AND  
ARMANDO ROBLES CORONEL,  
INDIVIDUALS dba TAQUERIA EL  
CORONEL TO PLAINTIFFS'  
UNVERIFIED COMPLAINT

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29 ) **JURY TRIAL DEMANDED**

30 The defendants ANDRADE LUZ BEATRICE and ARMANDO ROBLES  
31 CORONEL, individuals dba TAQUERIA EL CORONEL, answer plaintiffs' unverified  
32 Complaint for Injunctive Relief and Damages as follows:

33 1. Defendants do not at this time have sufficient information and belief to admit or  
34 deny the allegations of paragraphs 1, 2, 3, 5, 6, 7, and 10 of the Introduction of the  
35 Complaint, therefore deny each and every allegation of said paragraphs.

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2. Answering paragraph 9 of the Introduction of the Complaint, these answering defendants are not engaged in a joint venture with their co-defendant WINTER PROPERTIES.

## **RESPONSE TO PRELIMINARY FACTUAL ALLEGATIONS**

3. Answering paragraphs 11, 31, and 32 of the Complaint, these answering defendants deny that the facility has undergone any “alterations, structural repairs and additions” that subject the TAQUERIA EL CORONEL to any state and federal disability access requirements during the period of these answering defendants’ occupancy of the premises. These answering defendants do not at this time have sufficient information and belief to admit or deny the remaining allegations of paragraphs 11, 31, and 32, and basing their denial thereon deny each and every other allegation of said paragraph.

4. Defendants do not at this time have sufficient information and belief to admit or deny the allegations of paragraphs 12, 14, 15, 16 17, 18, 19, 22, 23, 24, 26, 27, 28, and 30 of the Complaint, and therefore deny each and every allegation of said paragraphs.

5. Answering paragraphs 13, 20, 22, 25, 29, and 33 of the Complaint, these answering defendants deny the allegations thereof.

6. Answering paragraph 21 of the Complaint, these answering defendants deny that their failure to respond evidenced anything.

## **RESPONSE TO FIRST CAUSE OF ACTION**

7. Answering paragraphs 40, 41, 42, and 44 of the Complaint, these answering defendants deny the allegations thereof.

8. Defendants do not at this time have sufficient information and belief to admit or deny the allegations of paragraphs 43 and 45 of the Complaint, and therefore deny each and every allegation of said paragraphs.

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## **RESPONSE TO SECOND CAUSE OF ACTION**

9. Defendants do not at this time have sufficient information and belief to admit or deny the allegations of paragraphs 51, 52, and 53 of the Complaint, and therefore deny each and every allegation of said paragraphs.

10. Answering paragraphs 54 and 55 of the Complaint, these answering defendants deny the allegations thereof.

## **RESPONSE TO THIRD CAUSE OF ACTION**

11. Answering paragraphs 58, 59, and 61 of the Complaint, these answering defendants deny that the facility has undergone any “alterations, structural repairs and additions” that subject the TAQUERIA EL CORONEL to any state and federal disability access requirements during the period of these answering defendants’ occupancy of the premises. These answering defendants do not at this time have sufficient information and belief to admit or deny the remaining allegations of paragraphs 58, 59, and 61, and basing their denial thereon deny each and every other allegation of said paragraphs.

## **RESPONSE TO FOURTH CAUSE OF ACTION**

12. Defendants do not at this time have sufficient information and belief to admit or deny the allegations of paragraphs 65, 66, 67, and 68 of the Complaint, and therefore deny each and every allegation of said paragraphs.

**BY WAY OF AFFIRMATIVE DEFENSES TO THE COMPLAINT**, the defendants allege as follows.\\:

**FIRST DEFENSE:** Plaintiffs' complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE:** Plaintiff was partially, if not wholly, negligent or otherwise at fault on his own part, and should be barred from recovery of that portion of his damages attributable to his proportionate share of the negligence or fault.

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**THIRD DEFENSE:** Plaintiffs failed to mitigate their damages, if any there were.

**FOURTH DEFENSE:** Plaintiffs' claims are barred by the doctrine of unclean hands.

**FIFTH DEFENSE:** Plaintiffs' claims are barred by the doctrine of estoppel.

**SIXTH DEFENSE:** Defendants, though not in violation of the Americans with Disabilities Act, are commencing modifications to the premises to bring the premises up to current ADA standards. Plaintiffs' claims for preliminary and permanent injunction will therefore be moot upon completion of the modifications.

**SEVENTH DEFENSE:** Defendants presently have insufficient knowledge or information on which to form a belief as to whether they may have additional, as yet unstated, affirmative defenses available. Defendants reserve their right to assert additional affirmative defenses under Rules 8(b) and 12(c) of the Federal Rules of Civil Procedure.

Dated: August 12, 2007

MARVIN PEDERSON,  
Attorney for Defendants ANDRADE  
LUZ BEATRICE and ARMANDO  
ROBLES CORONEL, dba  
TAQUERIA EL CORONEL

## **Proof of Service**

[C.C.P. § 1013, C.R.C. § 2008, F.R.C.P. Rule 5]

I, the undersigned, say,

1. I am a citizen of the United States. My business address is 815 Fifth Street, Santa Rosa, California 95404. I am employed in the City of Santa Rosa, County of Sonoma, where this mailing occurs. I am over the age of eighteen years and not a party to this action.

2. On the Date set forth below, I served a copy of the foregoing document described as

**ANSWER OF DEFENDANTS ANDRADE LUZ BEATRICE AND ARMANDO ROBLES  
CORONEL, INDIVIDUALS dba TAQUERIA EL CORONEL TO PLAINTIFFS' UNVERIFIED  
COMPLAINT**

to the following person(s) by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas E. Frankovich  
2806 Van Ness Avenue  
San Francisco, CA 94109

/XX (BY MAIL) I placed each such sealed envelope, with postage thereon fully prepared for first-class mail, for collection and mailing at Santa Rosa, California, following ordinary business practices. I am readily familiar with the practice of my firm's practice for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

3. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed this date at Santa Rosa, California.

Dated: August 12, 2007

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**Leslie Thorson**  
**Legal Assistant**